HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No.7520 of 2000

Dated:12.09.2007

Between:
Karanam Naga Malleshwara Rao
And others.

... Petitioner

AND

Devarakonda Venkateshwarlu
and others.

... Respondents

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No.7520 of 200

ORDER:-

This writ petition is filed for a writ of mandamus to direct respondents 5 to 7 to issue house-site pattas of 3 cents each to the identified beneficiaries in survey No.85/10 of Annambhotlavari Palem village, Paruchur mandal of Prakasham District.

In the affidavit filed in support of the writ petition it is averred that an extent of Ac.9.50 cents of land in survey No.85/10 of Annambhotlavari Palem village was sought to be acquired for the purpose of allotting house-sites to the weaker sections of society in the year 1993; that the Government prepared list of beneficiaries numbering to 121 for allotment of house-sites to them. The owners of the land unsuccessfully questioned the acquisition and even the Supreme Court upheld the acquisition vide its judgment dated 28.11.1995 whereby it directed that the allotment should be made only to persons belonging to weaker sections in terms of notification and the government's instructions. It is further averred that after the disposal of the case by the Supreme Court the officials found that out of 121 persons who have originally applied, only 54 persons were eligible and another set of 66 persons out of 153 were also identified as eligible; that respondent No.7 recommended 54 beneficiaries out of the original 121 beneficiaries identified in the year 1983 and 63 beneficiaries out of the 153 beneficiaries identified in the year 1995 for allotment of house-sites in Ac.9.60 cents of land which was earlier

acquired; respondents 1 to 4 filed Writ Petition No.914 of 2000 for allotment of house-sites to the eligible beneficiaries identified by respondent No.3 in survey No.85/10 and that having regard to the submissions made on behalf of the respondents that they are implementing the judgment of the Supreme Court the said writ petition was allowed at the admission stage.

The grievance of the petitioners is that if an extent of 5 cents for each of the beneficiaries is allotted, all the 153 identified beneficiaries cannot be accommodated in the Ac.9.60 cents of land and this fact was not brought to the notice of this Court in Writ Petition No.914 of 2000. The petitioners therefore seek directions to the respondents to allot only an extent of 3 cents each to the beneficiaries in stead of 5 cents as proposed.

I have heard Sri Kalyana Chakravarthi, learned counsel representing Sri R.Raghunandan. None appeared for the respondents.

Having considered the pleadings in the writ petition, I am of the considered view that the writ petition is wholly misconceived. The petitioners failed to indicate that they are among the beneficiaries identified for the purpose of allotment of house-sites. The petitioners failed to file the list of the beneficiaries to whom the land is intended to be allotted. In the absence of the necessary pleading and the material to show that the petitioners are among the beneficiaries and thereby they have interest in the subject matter, they cannot maintain this writ petition. Moreover, the petitioners failed to show that the number of beneficiaries is 153 and that if 5 cents to each of them is allotted, there will be shortage of land.

For the aforementioned reasons, the writ petition is devoid of any merit and therefore, the same is liable to be dismissed. Ordered accordingly.

As a sequel to dismissal of the writ petition, W.P.M.P.No.9871 of 2000 filed seeking interim direction is also dismissed.

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C.V.NAGARJUNA REDDY,J

Date:12.09.2007

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